

Letter is Not in system

6-20-08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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BLM-56555-ug

March 7, 2008

Ref: EPR-N

Don Ogaard, Project Manager
Worland Field Office
Bureau of Land Management
101 South 23rd Street
P.O. Box 119
Worland, WY 82401

Re: Draft Environmental Impact Statement for the
Westside Land Conveyance Project, Big Horn and
Washakie Counties, Wyoming, CEQ # 20080015

Dear Mr. Ogaard,

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C) and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Bureau of Land Management's (BLM) Draft Environmental Impact Statement for the Westside Land Conveyance Project and offers the following comments for your consideration.

Public Law 106-485 directs the Bureau of Land Management to convey about 16,500 acres of public lands in Big Horn and Washakie Counties to the Westside Irrigation District (WID). The DEIS analyzed three alternatives: 1) Alternative 1 evaluates the transfer of all of the 16,500 acres of land identified in the legislation, 2) Alternative 2 evaluates the transfer of only those lands suitable for irrigation consisting of approximately 11,576 acres, and 3) Alternative 3 is the no action alternative. The BLM's Preferred Alternative is Alternative 2 -- the transfer of only those lands suitable for irrigation. The Draft EIS did not fully analyze the impacts of crop production because following transfer of these lands to private ownership, BLM stated it would not impose any regulatory control over the irrigation development.

Water quality impacts: Irrigation practices on these lands, which have not been previously used for crop production, is projected to cause degradation of water quality in the Big Horn River. According to information provided in the Draft EIS, if flood irrigation methods are used, then an increase in river sediment and pesticide load of approximately ten percent could occur. In contrast, if sprinkler irrigation methods are implemented, this is expected to increase sediment and pesticide load in the river by only two percent. This difference in water quality impacts results from having substantially lower return flows using sprinkler or pressure delivery methods compared to gravity flood irrigation.

EPA Recommendation: BLM should assist WID to respond in the Final EIS regarding whether or not investment by WID members in sprinkler irrigation equipment is likely to occur. An analysis of the capital investment and operating costs favoring either sprinkler or flood irrigation, such as increased labor and land leveling associated with flood irrigation, would be relevant to the individual irrigator's choice of irrigation method. BLM could also investigate a voluntary agreement, such as a restrictive covenant, to use only sprinkler irrigation methods as a condition of the land sale to private parties.

Impacts to wetlands: The lands within Alternative 1 contain wetland areas; however, there are no wetlands within the lands composing the smaller Alternative 2 area. Approximately 3.8 acres of palustrine-type wet meadow areas are within the boundaries of the lands associated with Alternative 1.

EPA Recommendation: Executive Order 11990 encourages federal agencies to avoid and minimize wetlands losses and to preserve and enhance the natural and beneficial values of wetlands for various actions, including disposal of Federal lands. Alternative 2 would best meet this national policy objective. The Final EIS should identify the necessary mitigation for wetland area replacement that would be needed should BLM modify the proposed action in a manner that affects these wetlands.

Connected action of crop production: The Draft EIS recognizes that there is a connected action of crop production that will result after implementing the proposed action. According to the CEQ regulations implementing NEPA, connected actions are those that are closely related and therefore should be discussed in the same impact statement. (40 CFR 1508.25(a)(1)). Water quality impacts from the project vary widely depending on the connected actions of private farmers, specifically depending upon the irrigation and crop production methods. It is also recognized based on an economic analysis provided in the Draft EIS, that WID members face uncertainty due to financial difficulties, since their land investment costs could exceed their estimated annual rate of return. (DEIS, at page 4-19.) In order to overcome this financial challenge, the DEIS indicates that higher value specialty crops may be grown on these lands by WID members in addition to seeking financing at lower interest rates. Highly efficient irrigation practices which may be applied to specialty crops at this location could further reduce sedimentation and pesticide residuals arriving in the Big Horn River.

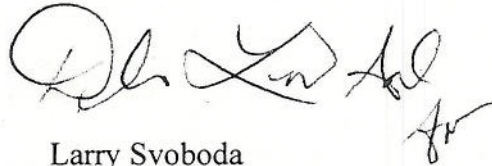
EPA Recommendation: The Final EIS should describe specialty crops that are economically and agronomically feasible on these lands and their potential to reduce water quality impacts. Increased energy cost is also an item high on the list of the specialty crop industry concerns in the U.S., including impacts on production, processing and marketing practices, transportation and energy conservation. The agricultural industry is also interested in the potential for using specialty crop resources to provide alternative energy sources such as crops used to produce cellulosic ethanol. Improving water use efficiency is another critical component of the long-term viability of the specialty crop industry according to the Department of Agriculture. (See: "U.S. Specialty Crops, An Update on Opportunities and Challenges", USDA, May 2007, at: <http://nareeeab.ree.usda.gov/nal.>)

EPA's rating

In accordance with our responsibilities under the Clean Air Act Section 309, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the concerns identified, EPA is rating this Draft EIS as "Environmental Concerns – Insufficient Information" (EC-2). The "EC" rating means that EPA's review of the Draft SEIS has identified potential impacts to water quality that should be avoided in order to fully protect the environment. The "2" rating means that additional information is needed regarding which appropriate measures will be required to address potential excursions of water quality standards. EPA recommends that the Final EIS clearly state that discharges with the potential to cause or contribute to water quality standards excursions are allowed only where subject to water quality based-effluent limitations as stringent as necessary to meet the standards. For further questions regarding this rating, please see the attached description of EPA's EIS rating system.

If you have any questions regarding our comments or this rating, please contact Wes Wilson at 303-312-6562 or me at 303-312-6004.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Svoboda", with a stylized flourish at the end.

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosure

